Los Angeles County Sheriff's Department

Supervisor's Report on Use of Force

Incident Information

URN: 913-09473-1326-151	Date: 5-14-13 / Time: 1145
Location: [redacted] Iroquois Avenue	City or Station: Lakewood
Bureau/Station/Facility: Special Enforcement Bureau	Admin. Investigation: ○ YES ◉ NO
Type of Force: Significant Force / Control Holds, Fractured Right Elbow	
Incident Category: ○ 1 ○ 2 ◉ 3	Deputy Injury: ○ YES ◉ NO / Suspect Injury ◉ YES ○ NO
☐ Call ☐ Observation ☒ Detail	☐ Foot Pursuit ☐ Vehicle Pursuit
IAB Notified: ◉ YES ○ NO / Person Notified: Lieutenant M. Berg / Emp: [redacted]	IAB Roll Out ◉ YES ○ NO

Involved Employee

E 1

Employee #	Last Name	First Name	Middle I.	Rank
[redacted]	Miranda	Charles		Deputy

Sex	Race	Height	Weight	Age	Shift	
◉ M ○ F	H	6'	0"	[redacted]	○ EM ◉ Day ○ PM	◉ Regular Shift ○ OT Shift ○ Off Duty

Unit of Assignment: Special Enforcement Bureau | Work Assignment (Unit #, Module, etc.): Black Team

Individual Force Used: Control Hold | ◉ Directed ○ Rescue ○ Medical Assist | Individual Category ○ 1 ○ 2 ◉ 3

☐ Injured ☐ Treated ☐ Admitted Facility: | Coroner Case #

E 2

Employee #	Last Name	First Name	Middle I.	Rank
[redacted]	Davis	Gregory	B.	Deputy

Sex	Race	Height	Weight	Age	Shift	
◉ M ○ F	W	6' 1"	190	[redacted]	○ EM ◉ Day ◉ PM	◉ Regular Shift ○ OT Shift ○ Off Duty

Unit of Assignment: Special Enforcement Bureau | Work Assignment (Unit #, Module, etc.): Black Team

Individual Force Used: Control Hold | ◉ Directed ○ Rescue ○ Medical Assist | Individual Category ○ 1 ○ 2 ◉ 3

☐ Injured ☐ Treated ☐ Admitted Facility: | Coroner Case #

E_

Employee #	Last Name	First Name	Middle I.	Rank

Sex	Race	Height	Weight	Age	Shift	
○ M ○ F					○ EM ○ Day ○ PM	○ Regular Shift ○ OT Shift ○ Off Duty

Unit of Assignment: | Work Assignment (Unit #, Module, etc.):

Individual Force Used: | ○ Directed ○ Rescue ○ Medical Assist | Individual Category ○ 1 ○ 2 ○ 3

☐ Injured ☐ Treated ☐ Admitted Facility: | Coroner Case #

On Duty Supervisor

☐ Additional Involved Employees

Emp. #	Last Name	First Name	Middle I.	Rank	Present	Witness to Incident
[redacted]	Ahmad	Kamal		Sgt	YES ◉ NO ○	YES ◉ NO ○

Supervisor Completing Investigation

Emp. #	Last Name	First Name	Middle I.	Rank	Present	Witness to Incident
[redacted]	Garcia	Jose	J.	Sgt	YES ○ NO ◉	YES ○ NO ◉

Watch Commander / Supervising Lieutenant

Emp. #	Last Name	First Name	Middle I.	Rank

M Berg (signature) — Watch Commander / Supervising Lieutenant's **Signature:** 3/27/14 Date | Copy Provided to Employee by: | Emp #:

Captain Michael R. Claus — Unit Commander **(Print Name)** | Unit Commander's **Signature:** | Emp #: [redacted] | Date

DISCOVERY Use Only
FO#

☐ PPI REVIEW COMPLETED

Original: Discovery Unit
Copy: Unit Commander

SH-R-438P (Rev. 01/13)

Supervisor's Report on Use of Force
SUSPECT INFORMATION

9 1 3 - 0 9 4 7 3 - 1 3 2 6 - 1 5 1

Suspect Information

S 1

Last Name: Comer			First Name: Anthony		Middle Name: James		Armed? Select: Not Armed	
AKA Last Name:			First Name:				Middle Name:	
Sex: (●) Male ( ) Female	Race: W	Age: 40	Height: 6' 3"	Weight: 200	D.O.B: 05-14-73	Phone #1: (●) H ( ) W ( ) C [redacted]		Phone #2: ( ) H ( ) W ( ) C
Street Address: [redacted]				City: [redacted]			State & Zip Code: [redacted]	
Booking #: 3559389		Primary Charge Code: 11377(a) HS		Secondary Charge Code:			[X] Criminal History	
Treated on Scene? ( ) YES (●) NO		Name:			Unit:		Phone #:	
Hospital Admission? [ ]		Rec'd Treatment At: Lakewood Regional Me			Coroner Case #:		Mental History [ ] User's guide provides direction on this entry	
By: Dr. James Chapman MD		Address: 3700 East South Street, Lakewood CA					Phone #: (562) 531-2550	
Under Influence: ( ) YES (●) NO		Substance:			5150 a factor in force? ( ) YES (●) NO User's guide provides direction on this entry			

Suspect Interview

Date: 5-14-13	Time: 1315	[ ] Audiotape:	[X] Videotape:	[X] Photos of Injuries:	[X] ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S__

Last Name:			First Name:		Middle Name:		Armed? Select:	
AKA Last Name:			First Name:				Middle Name:	
Sex: ( ) Male ( ) Female	Race:	Age:	Height:	D.O.B.	Weight:	Phone #1: ( ) H ( ) W ( ) C		Phone #2: ( ) H ( ) W ( ) C
Street Address:				City:			State & Zip Code:	
Booking #:		Primary Charge Code:		Secondary Charge Code:			[ ] Criminal History	
Treated on Scene? ( ) YES ( ) NO		By:			Unit:		Phone #:	
Hospital Admission? [ ]		Rec'd Treatment At:			Coroner Case #:		Mental History [ ] User's guide provides direction on this entry	
By:		Address:					Phone #:	
Under Influence: ( ) YES ( ) NO		Substance:			5150 a factor in force? ( ) YES ( ) NO User's guide provides direction on this entry			

Suspect Interview

Date:	Time:	[ ] Audiotape:	[ ] Videotape:	[ ] Photos of Injuries:	[ ] ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S__

Last Name:			First Name:		Middle Name:		Armed? Select:	
AKA Last Name:			First Name:				Middle Name:	
Sex: ( ) Male ( ) Female	Race:	Age:	Height:	D.O.B.	Weight:	Phone #1: ( ) H ( ) W ( ) C		Phone #2: ( ) H ( ) W ( ) C
Street Address:				City:			State & Zip Code:	
Booking #:		Primary Charge Code:		Secondary Charge Code:			[ ] Criminal History	
Treated on Scene? ( ) YES ( ) NO		By:			Unit:		Phone #:	
Hospital Admission? [ ]		Rec'd Treatment At:			Coroner Case #:		Mental History [ ] User's guide provides direction on this entry	
By:		Address:					Phone #:	
Under Influence: ( ) YES ( ) NO		Substance:			5150 a factor in force? ( ) YES ( ) NO User's guide provides direction on this entry			

Suspect Interview

Date:	Time:	[ ] Audiotape:	[ ] Videotape:	[ ] Photos of Injuries:	[ ] ADMITS HEARING ANNOUNCEMENTS

[ ] **Additional Suspects Involved**

Supervisor's Report on Use of Force
EMPLOYEE / NON-EMPLOYEE INFORMATION

9 1 3 - 0 9 4 7 3 - 1 3 2 6 - 1 5 1

Employee Witnesses

Emp. #	Last Name	First Name	Middle Name
[redacted]	Pratt	Steven	R.

Unit of Assignment:	Work Assignment (Unit #, Module, etc.):	Shift:	
Special Enforcement Burea	Black Team	○ EM ◉ Day ○ PM	◉ Regular ○ OT ○ Off Duty

Emp. #	Last Name	First Name	Middle Name
[redacted]	Creamer	George	P.

Unit of Assignment:	Work Assignment (Unit #, Module, etc.):	Shift:	
Special Enforcement Burea	Black Team	○ EM ◉ Day ○ PM	○ Regular ○ OT ○ Off Duty

Emp. #	Last Name	First Name	Middle Name
[redacted]	Ahmad	Kamal	

Unit of Assignment:	Work Assignment (Unit #, Module, etc.):	Shift:	
Special Enforcement Burea	Black Team	○ EM ◉ Day ○ PM	◉ Regular ○ OT ○ Off Duty

Non-Employee Witnesses

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

☐ **Additional Witness**

Supervisor's Report on Use of Force

9 1 3 - 0 9 4 7 3 - 1 3 2 6 - 1 5 1

Method

(AW) Arwen
(BC) Baton: (Control)
(BI) Baton: (Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds: (Control Techniques)
(TT) Control Holds: (Team Takedown)
(TD) Control Holds: (Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(RO) Restraint Device (Other)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device: Hobble (Legs Only)
(TP) Restraint Device: Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(IR) Less Lethal Impact Round (other)
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative
(HR) High Risk

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Involved

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hands
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(NO) Nose
(SH) Shoulder
(WR) Wrist

FORCE USED BY		FORCE USED AGAINST		Method (Code)	Type of Injury (Code)	Body Part (Code)
Name	E# or S#	Name	E# or S#			
Comer	S#1	Miranda	E#1	RS	NN	NN
Miranda	E#1	Comer	S#1	CT	BR	EL
Comer	S#1	Davis	E#2	RS	NN	NN
Davis	E#2	Comer	S#1	CT	BR	EL

INTERNAL AFFAIRS BUREAU
INVESTIGATIVE SUMMARY
FO2335246

UNIT:	**Special Enforcement Bureau**
DATE:	**May 14, 2013, Tuesday**
TIME:	**0900 hours**
LOCATION:	**[redacted] Iroquois Avenue, lakewood CA**
URN #:	**913-09473-1326-151**

On May 14, 2013, Lieutenant Michael Berg, Sergeant Brenda Gibson and Sergeant Jose J. Garcia of the Internal Affairs Bureau responded to Lakewood Sheriff's Station regarding a use of force incident. The reason for the response by the Internal Affairs Bureau was due to a notification that the suspect arrested in this incident sustained a fractured right elbow during the incident.

This use of force was a Category 3 as defined in the Use of Force Reporting Procedures of the Manual of Policy and Procedures, 3-10/100/00.

Deputies David L. Diot #[redacted], Brian Tolmasoff #[redacted], Martin Castro #[redacted] and Sergeant Richard Maradiaga #[redacted] were assigned to the Community Oriented Policing Team (COPS) in the Lakewood Sheriff's Station area. On this date, this COPS team was conducting [redacted] Compliance contacts. They went to [redacted] Iroquois Avenue, Lakewood in order to contact Anthony Comer (Suspect Comer). Suspect Comer was a [redacted] at the time of this incident.

Upon their arrival at the house, they contacted several occupants in the house, including Suspect Comer's [redacted] who told the deputies that he was hiding inside the house.

The deputies cleared the interior of the house and found Suspect Comer's [redacted] ([redacted] FH/[redacted]) inside the house. When the deputies asked her the whereabouts of Suspect Comer, she said he was hiding in the attic or in the crawl space under the house. A crawl space portal was discovered in suspect Comer's bedroom's closet. Suspect Comer's [redacted] ([redacted] MW[redacted]) was contacted in the garage of the location and asked to exit the location by deputy personnel.

Several announcements were made by sheriff's personnel to Suspect Comer to come out but he ignored the announcements.

Suspect Comer has a lengthy criminal record for [redacted]. A search warrant was signed for the location and executed by deputy personnel.

Due to the fact that Suspect Comer was barricaded, a Canine Unit and the Special Enforcement Bureau (SEB) were summoned to assume tactical control of the incident.

SEB Black Team, consisting of Sergeant Kamal M. Ahmad #[redacted], Deputies George P. Creamer #[redacted], Steven R. Pratt #[redacted], Gregory B. Davis #[redacted], along with Charles A. Miranda #[redacted] arrived at the location and they were briefed.

The Black Team utilized pole cameras and discovered a system of trenches under the house as well as a large water bottle and electrical cords as if Suspect Comer prepared to sustain himself under the house for an extended period of time.

A canine was utilized and the canine alerted to the floor vents indicating a human scent emitting from the crawl space. More announcements were made to Suspect Comer to come out but he did not respond.

The Black Team positioned themselves at the crawl space portal and deployed "Clear Out" gas into the crawl space. Within seconds, they heard movement consisting of loud thrashing, and coughing coming from the foundation. They ordered Suspect Comer to come out of the portal as they heard him yelling for help.

Suspect Comer crawled to the open portal and stood with his torso out and his legs inside the open hatch. As Suspect Comer stood at the portal, he was ordered numerous times to step out but he did not comply with the orders.

Suspect Comer ducked back into the open portal for a brief moment and then stood back up. Believing the suspect may return to the foundation and hide again or arm himself, Sergeant Ahmad directed Deputies Miranda and Davis to grab the suspect and pull him out of the hatch.

Deputies Miranda and Davis grabbed the suspect by his arms in an attempt to pull him out of the portal. Suspect Comer appeared to resist the deputies' attempt to pull him out by pulling his arms downward away from the deputies. As the deputies pulled him out onto the floor, the suspect tensed up and placed his hands under his chest.

Deputies Miranda and Davis pried the suspect's hands out from under him, placed the suspect's hands behind him and handcuffed him without further incident. Suspect Comer was placed inside of a radio car.

Suspect Comer complained of numbness to his right arm and was transported to Lakewood Regional Medical Center for treatment. He was diagnosed with a fractured right elbow.

INVOLVED PERSONNEL:

Gregory Davis - Deputy Sheriff, #[redacted]
Homeland Security Division
Special Enforcement Bureau

Charles Miranda - Deputy Sheriff, #[redacted]
Homeland Security Division
Special Enforcement Bureau

EMPLOYEE WORK HISTORY:

Gregory Davis:

Date of Employment:	June 14, 1989
Date Assigned to Patrol:	[redacted]
Date Completed Patrol Training:	[redacted]
Prior Founded Force Incidents:	[redacted]

Charles Miranda:

Date of Employment:	December 6, 1991
Date Assigned to Patrol:	[redacted]
Date Completed Patrol Training:	[redacted]
Prior Founded Force Incidents:	[redacted]

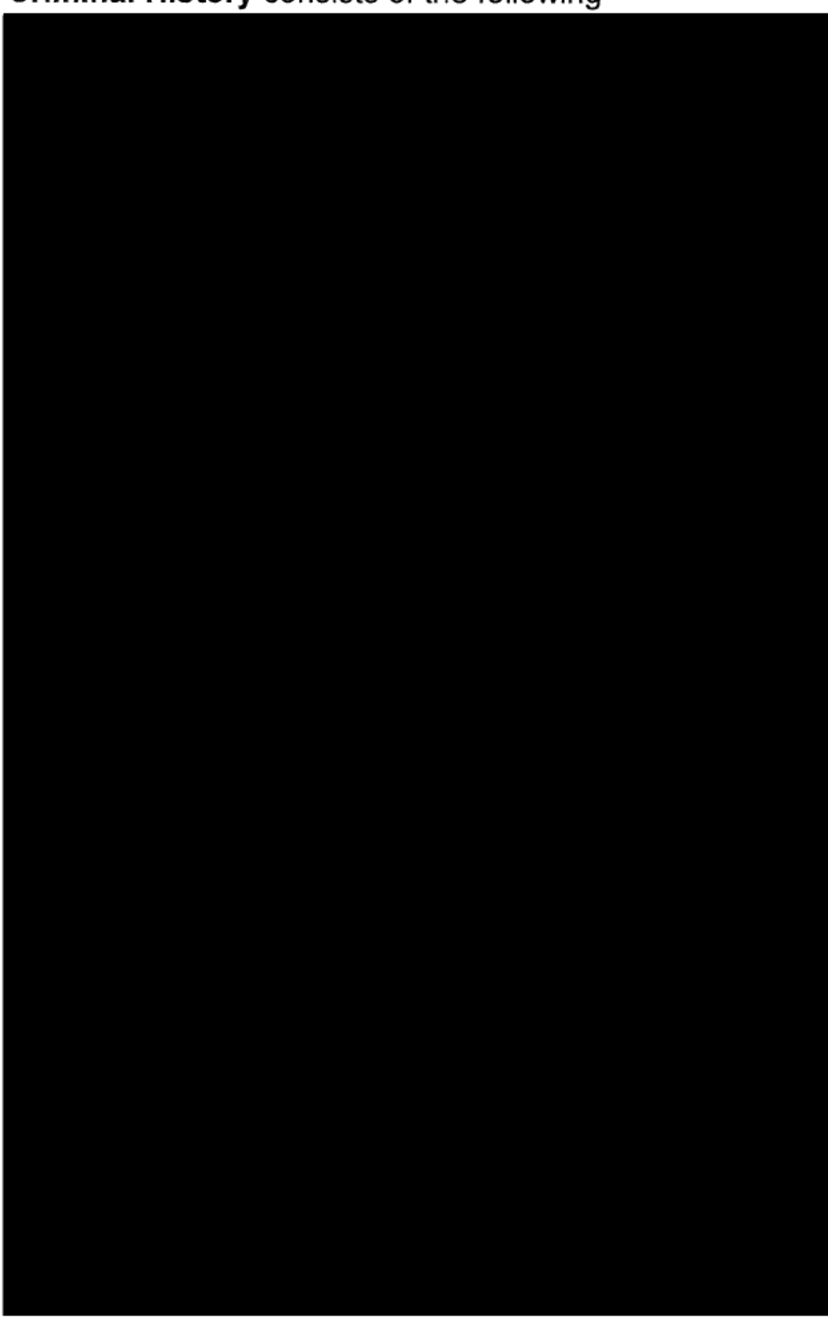
SUSPECT:

Anthony James Comer: MW/May 14, 1973
[redacted]
CII #[redacted] FBI #[redacted]

INTERNAL AFFAIRS BUREAU
INVESTIGATIVE SUMMARY

<u>CRIMINAL HISTORY:</u>

Suspect Anthony Comer: **Criminal History** consists of the following


[redacted]

[redacted]

IAB Note: For further details regarding Anthony Comer's criminal history, refer to **Miscellaneous Documents, CCHRS.**

EMPLOYEE WITNESSES:

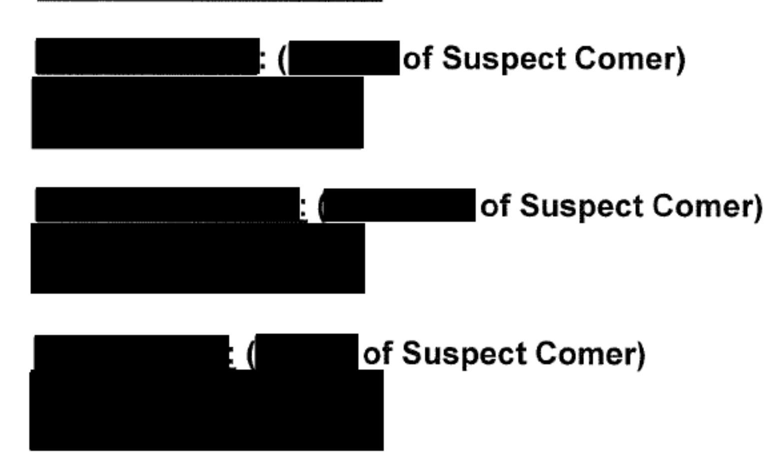
Steven Pratt - Deputy Sheriff, #[redacted]
Homeland Security Division
Special Enforcement Bureau

INTERNAL AFFAIRS BUREAU
INVESTIGATIVE SUMMARY

George Creamer - Deputy Sheriff, #[redacted]
Homeland Security Division
Special Enforcement Bureau

Kamal Ahmad - Sergeant, #[redacted]
Homeland Security Division
Special Enforcement Bureau

CIVILIAN WITNESSES:



[redacted]: ([redacted] **of Suspect Comer)**
[redacted]

[redacted]: ([redacted] **of Suspect Comer)**
[redacted]

[redacted]: ([redacted] **of Suspect Comer)**
[redacted]

INJURIES:

Suspect Anthony Comer sustained a fractured right elbow and abrasions to his knees. For further details, **refer to Exhibit B, "Discharge Instructions" completed by Doctor James Chapman of Lakewood Regional Medical Center.** No deputy personnel were injured during this incident.

PHYSICAL EVIDENCE:

None:

WEAPONS USED BY DEPUTY PERSONNEL:

Deputy Miranda used control holds.

Deputy Davis used control holds.

PROPERTY DAMAGE:

None

CRIMINAL CHARGES FILED:

Suspect Anthony Comer: Convicted on Count 1, Possession of Controlled Substance, 11377(a) PC. Convicted and Sentenced to Drug Diversion (Prop 36).

LIGHTING AND WEATHER CONDITIONS:

The incident occurred indoors. Illumination consisted of daylight through the open doorway.

WEAPONS USED BY SUSPECT:

Suspect Anthony Comer used resistance.

INVOLVED EMPLOYEE STATEMENTS:

Charles Miranda:

Charles Miranda, Deputy #[redacted], Special Enforcement Bureau, was interviewed on March 19, 2014 by Sergeant Jose J. Garcia and Sergeant Mark Lopez of the Internal Affairs Bureau. The interview was conducted at the Internal Affairs Bureau and it was audio recorded. The following is a summary of the interview:

Deputy Miranda said he is a member of the Black Team under the supervision of Sergeant Ahmad. He said he and Deputies Gregory Davis, Steven Pratt, George Creamer as well as Sergeant Ahmad responded to [redacted] Iroquois Avenue, Lakewood. They responded to a call of a barricaded [redacted] at the location. Upon their arrival the team was advised that Suspect Anthony Comer may be barricaded in the foundation of the home.

Sergeant Richard Maradiaga #[redacted], Community Oriented Policing (COPS) Team advised the Black Team that the COPS Team arrived at the location to arrest Suspect Comer, a [redacted] for not reporting to his [redacted].

Sergeant Maradiaga told them the suspect refused to come out of the house and hid in the house foundation. He entered the foundation through a hatch in his bedroom closet.

Sergeant Maradiaga advised them that Suspect Comer had a criminal history of [redacted] and there had been empty handgun holsters recovered from the house. Suspect Comer was known to have dug out trenches under the foundation of the home and had a history of hiding in the foundation when police arrived at the home. He had been known to have worked underneath the house, improving the trenches and position for the purposes of avoiding police contact.

The Black Team also received information that Suspect Comer may be in possession of a firearm.

The Black Team cleared the location and Canine Deputy Jason Phillippi #[redacted] assisted in detecting the suspect's scent. Deputy Phillippi's dog alerted to the home's foundation, indicating the possibility of human scent under the house.

The Black Team members utilized a pole camera in order to see under the foundation of the home.

Deputy Miranda could see that the foundation was dark and there were trenches that had been dug out. He also saw a chair, a water cooler, a fan and electrical cords from the house leading to the trenches. He said that it appeared as though the suspect had set up an area where he could hide for a long period of time.

Deputy Miranda said that to his knowledge the suspect had not communicated with family members or deputy personnel from the foundation.

Based on the information the team received, they believed Suspect Comer may be under the house.

Deputy Miranda and his team entered the house. They saw the hatch in Suspect Comer's closet, which that lead to the foundation.

A plan was formulated to introduce "Clear Out" gas under the house in order to force the suspect to want to come out of the foundation. The team introduced the "Clear Out" to the foundation. Deputy Miranda and Deputy Davis were directed to assist as part of the arrest team at the open hatch.

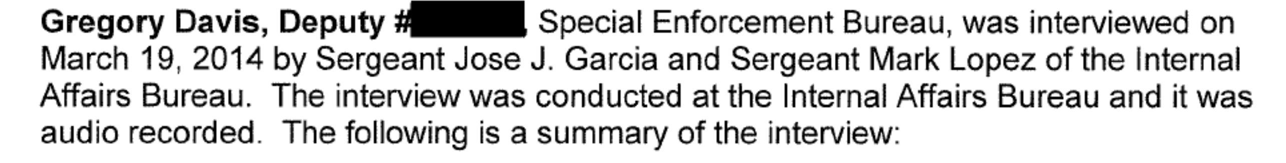
When the "Clear Out" was introduced, he could hear the suspect's reaction within seconds. He could hear the suspect scream frantically and thrash about against the foundation as well as other fixtures and items under the house. He heard deputy personnel direct the suspect to the hatch through one of the foundation exterior vents. Several seconds later, Suspect Comer came to the hatch and stood up with his upper torso exposed. It appeared as though the suspect was trying to breathe clean air. He ducked back into the hatch and seconds later, he surfaced again. Sergeant Ahmad directed Deputies Davis and Miranda to grab the suspect and pull him out.

Deputy Miranda grabbed the suspect's right wrist and Deputy Davis grabbed the suspect's left wrist. The two deputies pulled the suspect out of the hatch as the suspect resisted with his body, trying to cling onto the hatch.

Deputies Miranda and Davis pulled the suspect out of the hatch. They dragged him on to the floor and tried to place him on the floor in a prone position but the suspect resisted by pulling his hands under his chest as if to resist handcuffing.

Deputy Miranda was able to pull the suspect's right hand around to his back in order to handcuff him. Deputy Davis had already placed the suspect's left hand behind his back and the suspect was handcuffed by Deputy Miranda. The suspect was taken to a radio car without further incident.

__**Gregory Davis:**__



Gregory Davis, Deputy #[redacted], Special Enforcement Bureau, was interviewed on March 19, 2014 by Sergeant Jose J. Garcia and Sergeant Mark Lopez of the Internal Affairs Bureau. The interview was conducted at the Internal Affairs Bureau and it was audio recorded. The following is a summary of the interview:

Deputy Davis said he is a member of the Black Team under the supervision of Sergeant Ahmad. He said he and Deputies Charles Miranda, Steven Pratt, George Creamer as well as Sergeant Ahmad responded to [redacted] Iroquois Avenue, Lakewood.

They responded to a call of a barricaded [redacted] at large at the location. Upon their arrival the team was advised by Sergeant Richard Maradiaga #[redacted], Community Oriented Policing Team that Suspect Anthony Comer may be barricaded in a bunker underneath the foundation of the home.

Deputy Davis said that the team formed the opinion that it was very likely that the suspect was hiding under the house and the only way out of the foundation was the hatch in the closet floor.

Members from the Black Team utilized a pole camera in order to see into the foundation. Deputy Davis did not remember seeing what was discovered by the camera. Deputy Davis said deputy personnel and or the suspect's family had not communicated with the suspect during the time he was barricaded.

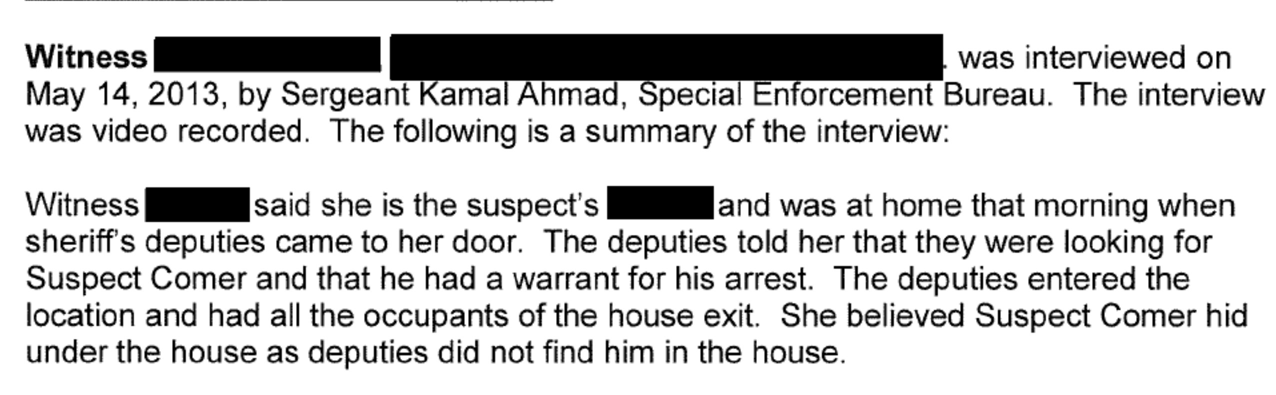
The Black Team introduced "Clear Out" and within seconds, the suspect reacted to the gas. Deputy Davis could hear the suspect moving under the house toward the hatch.

The suspect made it to the open hatch and stood at the opening. He appeared dirty and disheveled. The suspect was looking around the room from the opening. It appeared as though the suspect did not want to give up and was looking for options in order to escape. Sergeant Ahmad directed Deputies Miranda and Davis to grab the suspect and pull him out.

Deputy Davis grabbed the suspect's left arm with both hands and Deputy Miranda grabbed the suspect's right wrist. The two pulled the suspect out and onto the floor of the bedroom.

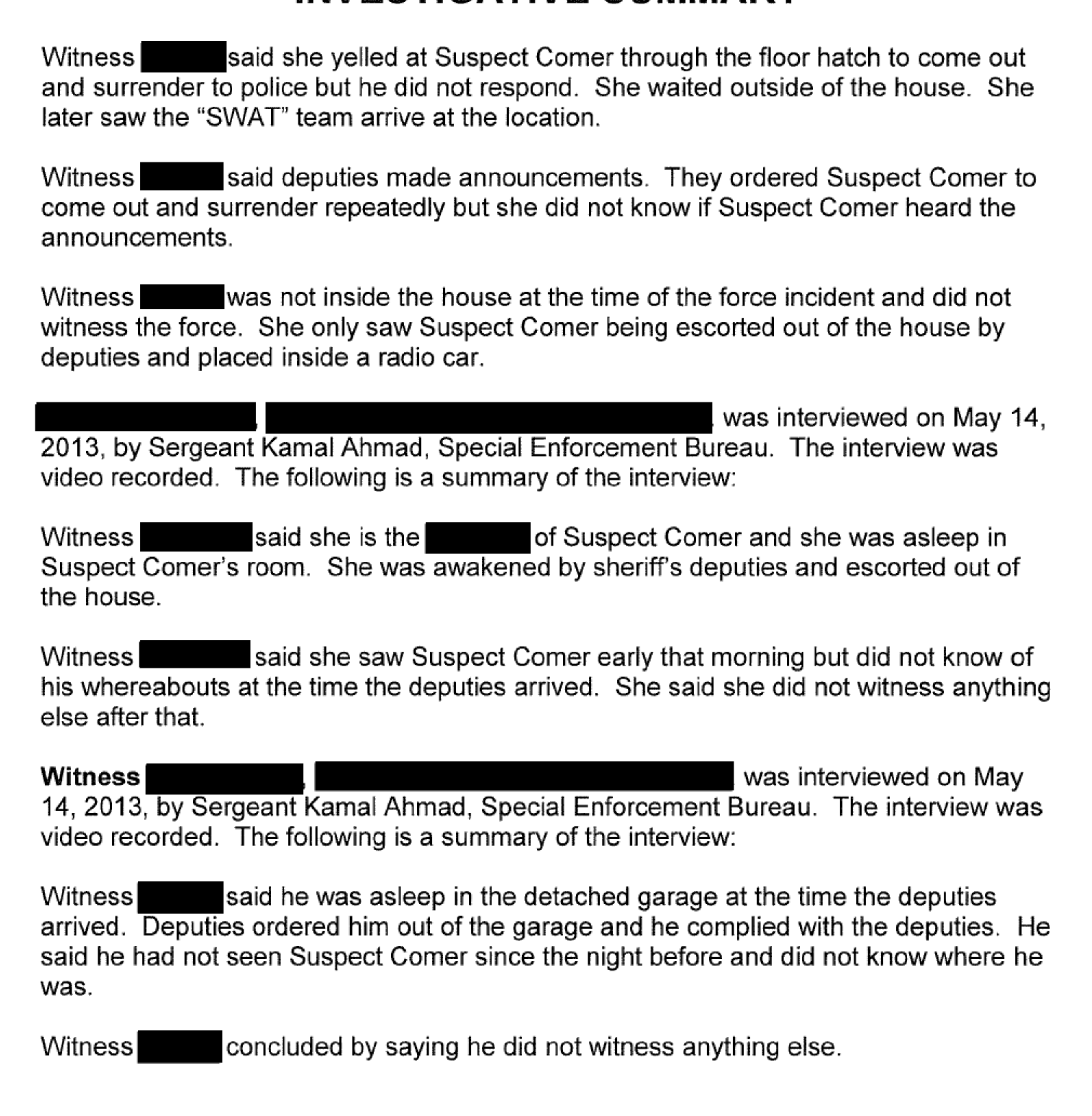
As the suspect was placed on the floor, facing down he pulled his hands under his upper torso as if resisting. Deputy Davis pulled the suspect's left hand out from under him and placed it on his back. The suspect was handcuffed by Deputy Miranda without further incident.

CIVILIAN WITNESS STATEMENTS:



Witness [redacted]. was interviewed on May 14, 2013, by Sergeant Kamal Ahmad, Special Enforcement Bureau. The interview was video recorded. The following is a summary of the interview:

Witness [redacted] said she is the suspect's [redacted] and was at home that morning when sheriff's deputies came to her door. The deputies told her that they were looking for Suspect Comer and that he had a warrant for his arrest. The deputies entered the location and had all the occupants of the house exit. She believed Suspect Comer hid under the house as deputies did not find him in the house.



Witness [redacted] said she yelled at Suspect Comer through the floor hatch to come out and surrender to police but he did not respond. She waited outside of the house. She later saw the "SWAT" team arrive at the location.

Witness [redacted] said deputies made announcements. They ordered Suspect Comer to come out and surrender repeatedly but she did not know if Suspect Comer heard the announcements.

Witness [redacted] was not inside the house at the time of the force incident and did not witness the force. She only saw Suspect Comer being escorted out of the house by deputies and placed inside a radio car.

[redacted], [redacted] was interviewed on May 14, 2013, by Sergeant Kamal Ahmad, Special Enforcement Bureau. The interview was video recorded. The following is a summary of the interview:

Witness [redacted] said she is the [redacted] of Suspect Comer and she was asleep in Suspect Comer's room. She was awakened by sheriff's deputies and escorted out of the house.

Witness [redacted] said she saw Suspect Comer early that morning but did not know of his whereabouts at the time the deputies arrived. She said she did not witness anything else after that.

Witness [redacted], [redacted] was interviewed on May 14, 2013, by Sergeant Kamal Ahmad, Special Enforcement Bureau. The interview was video recorded. The following is a summary of the interview:

Witness [redacted] said he was asleep in the detached garage at the time the deputies arrived. Deputies ordered him out of the garage and he complied with the deputies. He said he had not seen Suspect Comer since the night before and did not know where he was.

Witness [redacted] concluded by saying he did not witness anything else.

INTERNAL AFFAIRS BUREAU
INVESTIGATIVE SUMMARY

EMPLOYEE WITNESS STATEMENTS:

Steven Pratt:

Steven Pratt, Deputy #[redacted], Special Enforcement Bureau, was interviewed on March 19, 2014 by Sergeant Jose J. Garcia and Sergeant Mark Lopez of the Internal Affairs Bureau. The interview was conducted at the Internal Affairs Bureau and it was audio recorded. The following is a summary of the interview:

Deputy Pratt said he is a member of the Black Team. He said he arrived at [redacted] Iroquois Avenue regarding a barricaded suspect by the name Anthony Comer. The suspect was wanted by the [redacted] Compliance Team for an arrest warrant. Suspect Comer had not reported to his [redacted] and was a [redacted]. Upon their arrival, the Black Team was briefed as he tended to logistical duties.

He and the team positioned themselves inside the suspect's bedroom and could see the open hatch that lead to the foundation of the house.

The Black Team received information that the suspect may be armed with a firearm and they placed a camera in the foundation. The area under the house was very dark but they could see that the suspect had dug out shallow trenches throughout the foundation of the house. It appeared as the suspect had been under the house for some time.

He said some of the areas of the foundation had high dirt mounds as if the suspect had dug out deeper trenches or living quarters.

Deputy Pratt described some of the obstacles in the foundation as concrete footings, floor joists and galvanized drainage pipes.

Deputy Pratt said that deputy personnel at the location and or any family members had not been able to communicate with the suspect up to that point.

The black team introduced "Clear Out" gas into the foundation and the gas had an immediate effect on the suspect. He heard coughing, screaming and thrashing around by the suspect as if he was striking parts of the foundation.

Within a minute of the gas being introduced, the suspect exited the hatch in his closet and stood at the opening. He appeared "distressed and covered in dirt."

The suspect did not follow Sergeant Ahmad's commands to put his hand up and just stood at the opening. It appeared as though the suspect was trying to catch his breath.

Sergeant Ahmad directed the suspect to come out of the hatch but the suspect ignored the command. Deputy Pratt believed the suspect may try to return into the foundation to avoid apprehension.

Deputy Miranda was near the left side of the closet door and Deputy Davis was on the right side of the closet door as Deputy Pratt was several feet away from the closet door next to Sergeant Ahmad. He said Deputies Miranda and Davis were the designated arrest team and that he was the designated shooter if needed.

Sergeant Ahmad directed Deputies Miranda and Davis to grab the suspect and pull him out of the hatch.

Deputies Miranda and Davis each grabbed the suspect by one arm, pulled him out of the hatch and dragged him onto the floor.

While on the floor, the suspect resisted the deputies by lifting his lower body and positioning himself on his knees. He simultaneously pulled his hands under his torso. Deputies Miranda and Davis placed the suspect's hands behind his back and handcuffed him without incident.

Deputy Pratt said he does not remember the suspect making any statements or complain of any injuries.

<u>George Creamer:</u>

George Creamer, Deputy #[redacted], Special Enforcement Bureau, was interviewed on March 19, 2014 by Sergeant Jose J. Garcia and Sergeant Mark Lopez of the Internal Affairs Bureau. The interview was conducted at the Internal Affairs Bureau and it was audio recorded. The following is a summary of the interview:

Deputy Creamer said he is a member of the Black Team under the supervision of Sergeant Ahmad. He said he was assigned as the team scout that day. He and Deputies Gregory Davis, Steven Pratt, George Creamer as well as Sergeant Ahmad responded to [redacted] Iroquois Avenue, Lakewood. They responded to a call of a barricaded [redacted] call at the location.

Upon their arrival the team was advised that Suspect Anthony Comer may be barricaded under the foundation of the home.

Sergeant Richard Maradiaga #[redacted] Community Oriented Policing Team advised the black team that they arrived at the location to arrest Suspect Comer, a [redacted] for not reporting to his [redacted]

The Black Team received information from Sergeant Maradiaga that handgun holsters were recovered from the inside of the house prior to the Black Team's arrival.

Deputy Creamer and Canine Deputy Jason Phillippi #[redacted] scouted the property. Deputy Phillippi advised Deputy Creamer that his dog alerted on some of the foundation vents for human scent.

Deputy personnel and or the suspect's family had not been able to communicate with the suspect prior to the Black Team's arrival.

The Black Team positioned themselves in the suspect's room, where they saw a hatch in the closet floor that lead to the house foundation.

The Black team utilized a pole camera in order to see under the house. Deputy Creamer could see makeshift bunkers, shallow trenches and mounds of dirt. He saw a bucket, a chair, and a fan. He could not see the suspect due to a wall under the foundation.

They formulated a plan to deploy a chemical agent in order to force the suspect out of the foundation.

"Clear Out" was introduced to the foundation and within seconds, the suspect reacted to the chemical.

Deputy Creamer said he believed the suspect panicked. He could hear the suspect coughing as well as banging against the wooden floor as if the suspect was striking his head against the floor. He could hear the suspect yelling out loud but could not understand what he yelled.

Deputy Creamer positioned himself at the open doorway of the suspect's room. From his position he saw the suspect stand in the open hatch and expose his upper torso.

Deputy Creamer said he did not remember which deputy stood at the hatch and grabbed the suspect as every deputy was wearing a gas mask. He recalled the suspect standing up at the hatch for a moment and duck back into the foundation twice before two deputies grabbed him. The two deputies grabbed the suspect and pulled him out. He heard one of the deputies yell that the suspect had his hands under him. Moments later the deputies had the suspect handcuffed.

Deputy Creamer believed the suspect was resisting the deputies as he could hear the deputies' repeated commands to comply and give up his hands. The suspect was taken into custody without further incident.

Kamal Ahmad:

Kamal Ahmad, Sergeant #[redacted], Special Enforcement Bureau, was interviewed on March 19, 2014 by Sergeant Jose J. Garcia and Sergeant Mark Lopez of the Internal Affairs Bureau. The interview was conducted at the Internal Affairs Bureau and it was audio recorded. The following is a summary of the interview:

Sergeant Ahmad said he is the supervisor in charge of the Black Team. He said he and Deputies Gregory Davis, Charles Miranda, Steven Pratt and George Creamer responded to [redacted] Iroquois Avenue, Lakewood. They responded to a call of a barricaded [redacted] at the location. Upon their arrival the team was advised that Suspect Anthony Comer may be barricaded in the foundation of the home.

Sergeant Richard Maradiaga #[redacted] Community Oriented Policing Team advised the Black Team that they arrived at the location to arrest Suspect Comer, a [redacted] for not reporting to his [redacted]. Sergeant Maradiaga told them the suspect refused to come out of the house and had barricaded himself under the house by entering the foundation through a hatch in his room closet. Sergeant Maradiaga also advised that they recovered two handguns from the interior of the house and that the suspect was on [redacted].

Sergeant Ahmad said he spoke to Witness [redacted] the suspect's [redacted] who told him that Suspect Comer was in fact hiding under the house.

The Black Team cleared the interior of the house and saw an open hatch in the suspect's closet, which lead to the foundation of the house.

With the assistance of Canine Deputy Phillippi and his dog they checked the exterior foundation vents of the house. Deputy Phillippi's dog alerted to the scent of human presence through the exterior foundation vents, at which time Sergeant Ahmad made announcements to the suspect to come out and surrender to police.

Sergeant Ahmad did not receive a response from the suspect and could not see him under the house.

Sergeant Ahmad said they utilized a pole camera in order to see into the foundation of the house. He saw that it was very dark under the house.

He saw there were trenches and what appeared to be food items. He noticed wires leading to a bucket containing a liquid. This raised a concern that the suspect may have constructed an improvised explosive device.

Sergeant Ahmad formulated a plan to introduce "Clear Out" gas into the foundation of the house and positioned his team in the suspect's bedroom. He said he designated Deputies Miranda and Davis to be the arrest team and that he would be in charge of the verbal commands. Deputy Pratt and Deputy Creamer were directed to be lethal force if needed.

The team introduced the gas into the foundation and the suspect had an immediate reaction to the gas. The suspect panicked and moved frantically throughout the foundation. It appeared as though the suspect was colliding with objects as he yelled in desperation. The suspect crawled out to the hatch and stood exposing his upper torso at the opening.

Sergeant Ahmad yelled commands at the suspect to come out of the hatch with his hands up and the suspect did not comply with the commands. The suspect placed his hands on the edge of the hatch and looked around. He then ducked back into the foundation.

Sergeant Ahmad became concerned that the suspect might return to the foundation and refortify himself or arm himself with a firearm.

He directed Deputies Miranda and Davis to grab the suspect and to pull him out of the hatch.

Deputies Miranda grabbed the suspect's right arm and Deputy Davis grabbed the suspect's left arm. Each deputy initially grabbed him with one hand and then grabbed him with both hands. Once they held the suspect's arms with both hands they pulled the suspect out and tried to lay him down on his stomach as the suspect resisted the deputies. The suspect placed his hands under his chest and appeared as though he was trying to position himself on his knees.

Deputies Miranda and Davis were able to pry the suspect's hands out and place them on his lower back. Deputy Miranda handcuffed him without further incident. Once the suspect was placed inside of a radio car, he complained of pain to his right elbow.

Sergeant Ahmad conducted an interview of the suspect on video, at which time the suspect said he struck his elbow when he was coming out of the foundation but did not know where he struck it. The suspect added that when the gas was introduced he became frantic and desperately tried to reach the open hatch.

Sergeant Ahmad said he was unable to determine what the suspect struck or if the suspect struck anything under the house while trying to get out.

Sergeant Ahmad noticed that the suspect was covered in dirt and had sustained abrasions to his knees.

Sergeant Ahmad said he had the suspect transported to Lakewood Regional Medical Center for treatment at which time he was advised that the suspect sustained a fractured right elbow. Sergeant Ahmad made a notification to the Internal Affairs Bureau regarding this incident.

<u>SUSPECT'S STATEMENT:</u>

Suspect Anthony Comer, [redacted] was interviewed on May 14, 2013, at approximately 1241 hours following his being taken into custody. The interview was conducted by Sergeant Kamal Ahmad, Special Enforcement Bureau and was video recorded. The following is a summary of the interview:

Suspect Comer said he lives at the location and deputies arrived at his house. He became scared because of "his probation" and did not want to return to jail so he hid in the crawl space under the house.

Suspect Comer said deputies would not leave and he became scared because he could not breathe so he 'freaked out." He went to the open hatch and saw deputies waiting for him. He was ordered to raise his hands and he complied.

He said the deputies pulled him out of the hatch and that is when they hurt his arm. He said he had no other injuries other than "scratches' from crawling around under the house.

Suspect Comer was asked if there was anything else he would like to say and he said, he should have just come out when the deputies called him out and he regretted not reporting to the Probation Department.

Suspect Anthony Comer, [redacted] was interviewed on May 14, 2013, at approximately 1430 hours while in the emergency room of Lakewood Regional Medical Center. The interview was conducted by Sergeant Kamal Ahmad, Special Enforcement Bureau and was video recorded. The following is a summary of the interview:

Suspect Comer said that he was hiding under the house and refused to come out. He said he could not breathe and "panicked" so when he went to the open hatch, he must have hit his arm against something but did not know what he hit.

Suspect Comer was asked if he heard anyone yelling commands for him to come out and he said, "Not until later." He said he heard people calling his name and asking him to come out but he chose not come out. He said that when he was coming out of the portal and was going to put his hands up, he hit his arm on something but did not know what his arm hit.

Suspect Comer was asked about large abrasions on his knees and he said he sustained them when he was inside the "hole."

Suspect Comer said he did not want to come out because he did not want to go back to jail.

> **IAB Note:** While at Lakewood Regional Medical Center, Sergeant Garcia of the Internal Affairs Bureau spoke to Doctor James Chapman after treating Suspect Comer.

> **IAB Note:** Doctor Chapman would not participate in an interview on the record. Doctor Chapman said after reviewing Suspect Comer's X-rays and examining him, he concluded that the fractured right elbow was consistent with a fall or a strike and not due to a twisting of the arm or a bending of the arm.

On May 14, 2013, Sergeant Garcia, Sergeant Brenda Gibson and Lieutenant Michael Berg of the Internal Affairs Bureau contacted Suspect Comer at Lakewood Regional Medical Center. Suspect Comer had been given a sedative and appeared lethargic and sleepy. Based on this, he was not interviewed on this date.

Suspect Anthony Comer, [redacted] was interviewed on March 20, 2014, at his home by Sergeant Jose J. Garcia and Lieutenant Michael Berg of the Internal Affairs Bureau. The interview was audio recorded. The following is a summary of the interview:

Suspect Comer said he was home on the morning of the incident and had a video camera placed on the northwest corner of his house pointing west, toward the front of his house. He looked at the monitor in his bedroom and noticed Sheriff's Deputies approaching his front door on foot with their guns drawn.

He said he panicked and immediately went into the hatch leading to the foundation of the house. He said he did not turn off the monitor when he fled into the foundation.

He said he was scared because he was on parole and had not completed his drug diversion classes. He knew that if one does not complete the drug diversion classes an arrest warrant is issued and he did not want to go to jail.

Suspect Comer said he had not dug out trenches or bunkers below the house and that the only place he has dug is directly under the hatch, just deep enough for him to enter and hide. He said he had no chairs or food in the foundation. He said the wiring under the house is cables leading to televisions. He denied having any weapons or a knife in the foundation saying he is not allowed to possess knives.

Suspect Comer said there was plumbing and other barriers between the hatch and where he was hiding. He said there was little lighting coming from vents around the house and it was very dark in the foundation.

He heard Sheriff's personnel called him to step out of the house but he did not comply. The Sheriff's personnel had his [redacted] (Witness [redacted]) call him out but he refused to come out.

Suspect Comer said he never saw a Sheriff's Canine but knew there was one on the property because he could no longer hear his own dogs and knew the dogs had been moved.

Suspect Comer said he waited under the house for what he believed to be all day. He said he fell asleep a couple of times behind a wall in the foundation, which blocked him from being seen from the open hatch.

Suspect Comer noticed that Sheriff's personnel were utilizing cameras in the foundation which caused him to want to surrender but he did not.

Sheriff's personnel introduced tear gas into the foundation of the house, which caused him to panic as he could not breathe. He began looking for the open hatch to avoid the gas and found a metal pipe he thought he could breathe through but was unable to. His eyes were swollen shut and could not see anything as he moved around the foundation. He said, "I don't know how I made it to the hatch."

He said it took him approximately two minutes to find the hatch as he panicked. He said he sustained abrasions on his back and his knees from crawling and moving in the foundation.

Suspect Comer crawled to the hatch and stood at the opening. Though he could not see the hatch he could feel the air of the open hatch. He said he felt at least three deputies pull him out of the hatch and placeed him on the floor. As the deputies pulled him out, his lower body was stuck in the small hatch.

He was placed face down on the floor and was not trying get up. He said he was on his stomach with his arms spread out to his sides. As he lay on the floor he felt as though someone fell on him. He did not remember being handcuffed but remembered being placed in a radio car handcuffed.

Suspect Comer said he did not remember what the deputies were telling him but was sure he was complying with their commands. Deputies stood him up and walked him out of the house.

Suspect Comer said he did not feel any pain to his elbow but felt numbness as he was detained. When deputies tried to place him into a radio car, he said he could not be placed into the car due to the numbness at which time he complained about his elbow.

Suspect Comer said he believed the fracture to his right elbow occurred when the deputies pulled him out of the hatch. He added that he did not recall what Doctor Chapman at Lakewood Regional Medical Center told him about how he may have sustained the fracture.

Suspect Comer denied ever resisting the deputies and said the deputies' treatment of him during the incident was "normal but a lot of yelling."

Suspect Comer concluded by saying that he was not under the influence of narcotics or alcohol on the day of the incident. He admitted that during the time of the incident, he was using narcotics daily, specifically methamphetamine. He said he used methamphetamine the day before the incident.